

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V**

**DATE:** December 11, 2007

**SUBJECT:** Capability Statement Regarding the Lac du Flambeau Band of Lake Superior  
Chippewa Indians for the Band's Clean Water Act Section 303/401 Application

**FROM:** Dan Cozza, Tribal Program Manager, Water Division, State and Tribal  
Programs Branch

**TO:** File

In my capacity as Tribal Program Manager for the Tribes located in the State of Wisconsin, I have worked with the environmental staff from the Lac du Flambeau Band of Lake Superior Chippewa Indians since 1997. I have worked with several different staff within the Band's Natural Resource Department over the years, the current water quality specialist since 2004 and all have been very competent in their positions. The Band has had a Clean Water Act (CWA) Section 106 grant program since 1990. Their CWA Section 106 Grants are very well maintained, with well written reporting and data is now entered into the STORET database. The Band has a draft Monitoring Strategy for their water resource program covering from 2007 through 2017. The Band's current CWA Section 106 grant covers program development, surface water monitoring, outreach, ordinance development and more. Our last visit to the Reservation was in September 2004 and the no issues were reported with the Band's program. The Band participated successfully in the National Lake Survey in fiscal year 2007, being one of four Tribes in Region 5 to participate in this national survey. The Band has already made great strides in the development of their draft water quality standards and continues to work with the EPA to finalize these standards.

Other Region 5 EPA program offices have also stated that the Band has shown that they can run their other environmental programs as well. The Brownfields, GAP, and Solid Waste Programs have provided capability statements stating that the Band has sufficiently run grants under these programs over the last several years.

The Band's Application, dated October 12, 2005, and supplemental information, provides a detail background of the Band's environmental program experiences and developments. It highlights their programs, provides an organizational chart for their Department of Natural Resources and provides the resumes of the current Water Resources Staff. The Application also includes the Band's proposed process for administering the CWA Section 401 Water Quality Certification Program.

It is my opinion, based on my experiences and those of the other EPA programs and based on my review of the Band's Application, that the Band has the capability to administer the CWA Section 303 and 401 Water Quality Standards and Certification Programs.